

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled INTRACELLULAR PROTEIN DELIVERY COMPOSITIONS AND METHODS OF USE; the specification of which was filed on **December 15, 2000** as Application Serial No. **09/738,046**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

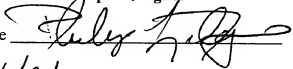
I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/172,441

Filing Date: December 17, 1999

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Philip L. Felgner**

Inventor's signature 

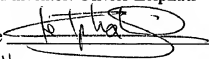
Date 04/06/01

Residence: **Rancho Santa Fe, CA**

Citizenship: **United States**

Post Office Address: **P.O. Box 3392, 5412 Las Palomas, Rancho Santa Fe, CA 92067**

Full name of second inventor: **Olivier Zelphati**

Inventor's signature 

Date April 6th, 2001

Residence: **La Jolla, CA**

Citizenship: **France**

Post Office Address: **8840 Via La Jolla Drive, #210, La Jolla, CA 92037**

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Send Correspondence To:

**KNOBBE, MARTENS, OLSON & BEAR, LLP**

**Customer No. 20,995**

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Applicant or Patentee: Felgner et al.  
Application or Patent No.: 09/738,046  
Filed or Issued: December 15, 2000  
For: INTRACELLULAR PROTEIN DELIVERY COMPOSITIONS AND METHODS OF USE

Attorney's Docket No.: GTSYS.004A  
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# VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL-ENTITY STATUS

I, the undersigned, do hereby declare that:

[X] I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Gene Therapy Systems, Inc.  
ADDRESS OF CONCERN: 10190 Telesis Court, La Jolla, CA 92121



I further declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. I further declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in the patent or application identified above.

The individual, concern or organization identified above has not assigned, granted, conveyed or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

If the rights held by the above-identified individual, concern or organization are not exclusive, each individual, concern or organization having rights in the invention are identified below. Each such individual, concern or organization must file separate verified statements averring to their status as small entities.

**\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).**

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small-entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Anthony Sorge, Ph.D.  
TITLE OF PERSON (if not an owner or individual): CEO  
ADDRESS OF PERSON SIGNING: 10190 Telesis Court, San Diego, CA 92121

SIGNATURE:   
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030701

DATE: Apr. 15, 2001

Application No.: 09/738,046  
Filing Date: December 15, 2000

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PATENT  
Client Code: GTSYS.004A  
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**ASSIGNMENT**

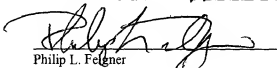
WHEREAS, We, Philip L. Felgner, a United States citizen, residing at P.O. Box 3392, 5412 Las Palomas, Rancho Santa Fe, CA 92067, and Olivier Zelphati a France citizen, residing at 8840 Via La Jolla Drive, #210, La Jolla, CA 92037, have invented certain new and useful improvements in a INTRACELLULAR PROTEIN DELIVERY COMPOSITIONS AND METHODS OF USE for which we have filed an application for Letters Patent in the United States, Application No., 09/738,046, Filed on December 15, 2000;

AND WHEREAS, Gene Therapy Systems, Inc., (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 10190 Telesis Court, San Diego, CA 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 6 day of APRIL, 2001

  
Philip L. Felgner

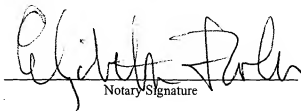
STATE OF California }  
COUNTY OF San Diego } ss.

On April 6, 2001, before me, Elizabeth Fowler, personally appeared Philip L. Felgner personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 6 day of April, 2001.

[Signature]  
Olivier Zelphati

STATE OF California }  
COUNTY OF San Diego } ss.

On April 6, 2001, before me, Elizabeth Fowler, personally appeared Olivier Zelphati personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



[Signature]  
Notary Signature